

REMARKS

Reconsideration of this application is respectfully requested. Amended Figures 4 and 5 are submitted herewith. As requested in the Office Action, Figure 4 has been amended to remove reference numeral "400" and Figure 5 has been amended to remove reference numeral "500". No other amendments are being made to the drawings. These revisions of the drawings as well as the above amendments to the claims and the specification are supported by the specification, as filed. No new matter is introduced by these amendments.

The claims are patentable over all of the references cited in the Office Action, whether considered alone or in combination with one another. For example, the claims are patentable over Tsuria (US 5,786,845), which fails to teach or suggest a method or system in which selected data sets representing information elements for display to a user during switching events are periodically downloaded from a server according to user profile information as recited in new independent claims 23 and 31. Instead, Tsuria describes a system in which advertisements may be targeted to individual subscribers (col. 4, ll. 27-30). This description does not, however, necessarily mean that the advertisements are downloaded according to user profile information as implied by the Office Action. Instead, many different mechanisms could be used to so target the advertisements. For example, custom ads could be generated and addressed to each set top box. Tsuria is silent as to the mechanism by which the targeting of advertisements is achieved and because no further discussion is provided it would be improper to conclude that the presently claimed scheme of downloading according to user profile information is inherently taught. For at least these reasons, the present claims are patentable over Tsuria.

Moreover, Tsuria fails to teach or suggest a method or system in which the display of one of the information elements is discontinued and data stream information from the server is displayed when it becomes available for such display, unless the user has initiated an interactive transaction session with a remote host by selecting an interactive element associated with an information element in which case displaying the data stream information from the server is delayed until termination of the interactive transaction session or expiration of a predetermined period of inactivity by the user as recited in new independent claims 23 and 31. In fact, the office Action concedes that Tsuria is silent as to such interactive transaction sessions altogether. This is an additional and separate ground for patentability of the present claims over Tsuria.

Picco et al. (US 6,029,045) also fails to teach or suggest this later feature of the claims. In the system described by Picco, the user must separately launch a browser application before beginning an interactive session (col. 14, ll. 22-25). Hence, even if such teachings were combined with those of Tsuria, the combination would not obviate the present claims because the feature of

an information element having an interactive element and the user selection of such interactive element to initiate an interactive session would be lacking. Accordingly, the claims are patentable over this combination of references.

Nathan et al. (US 6,182,126) describes a digital home audio video system. The Office Action cites Nathan for teaching the storing of one data set in a buffer and another data set in a memory, wherein the data set in the buffer is replaced by the one in memory after the first data set in the buffer is transmitted for display. Even if true, however, this teaching when combined with Tsuria still fails to cure all of the above-noted deficiencies of Tsuria with respect to the patentable features of the invention discussed above. Consequently, the claims remain patentable even over this combination of references.

Kitsukawa et al. (US 6,282,713) is cited for teaching the transmission of additional data in response to an interactive request therefore. In the Kitsukawa system, on-screen advertisements which are superimposed over a television broadcast include interactive elements which a user may select to initiate an interactive session. It is questionable whether one of ordinary skill in the art would have realized that such use of information elements with interactive elements could have been adapted for use in the system taught by Tsuria. For example, Tsuria is concerned with the display of information during times *other than when* a television picture is being displayed. Kitsukawa, on the other hand, is concerned with displaying information superimposed on a television picture. Thus, one of ordinary skill in the art likely would not have been motivated to make the combination suggested by the examiner because the references themselves do not suggest such a combination and the problems being addressed therein are not at all similar. For this reason, the combination of the references is traversed.

Even if one were to make the combination suggested in the Office Action, however, one would still not obviate the present invention because the combined teachings would still not the patentable feature of a method or system in which selected data sets representing information elements for display to a user during switching events are periodically downloaded from a server transmission according to user profile information as described above. Hence, because the claims include features not taught or suggested by the combination of these references, the claims are patentable over that combination.

The claims are also patentable over the combination of Tsuria, Kitsukawa and Hawkins (US 6,005,561). Hawkins is cited for teaching use of a back channel to make available information not otherwise stored on the set top box. Such a teaching, even when combined with those of Tsuria and Kitsukawa does not cure the deficiency noted above with respect to a method or system in which selected data sets representing information elements for display to a user during switching

events are periodically downloaded from a server transmission according to user profile information. Consequently, the claims are patentable over this combination of references.

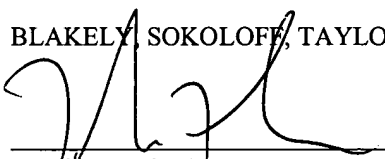
Finally, the claims are patentable over the combination of Tsuria and Hawkins alone because, as indicated above, Hawkins does not cure the deficiency of Tsuria with respect to a method or system in which selected data sets representing information elements for display to a user during switching events are periodically downloaded from a server transmission according to user profile information.

For all of the foregoing reasons, the claims are patentable over the references cited in the Office Action. If there are any additional fees due in connection with this communication, please charge our deposit account no. 02-2666.

Respectfully submitted,

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Dated: April 16, 2003


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